

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: NESTLE BOOST NUTRITIONAL
DRINK LITIGATION

Case No. 21-cv-09812-JSC

**ORDER RE: SUMMARY JUDGMENT
AND CLASS CERTIFICATION
SCHEDULE**

Re: Dkt. No. 85

On February 7, 2025, Defendant moved for summary judgment on the ground Plaintiffs lack standing. (Dkt. No. 83.) Now pending before the Court is Plaintiffs' administrative motion to consider whether the summary judgment briefing schedule "should be coordinated with the previously ordered briefing schedule for Plaintiffs' Motion for Class Certification" or, in the alternative, requesting an extension of the current summary judgment briefing schedule. (Dkt. No. 85.) Plaintiffs assert "it would be inefficient for the Court to entertain staggered briefing and hold two separate hearings on the related motions." (*Id.* at 2-3.) Defendant opposes Plaintiffs' request to reset the March 27 hearing date but does not oppose extending the briefing schedule. (Dkt. No. 86.)

Having reviewed the parties' submissions, the Court concludes it will be more efficient to resolve Defendant's summary judgment motion prior to any briefing on class certification, as Defendant's summary judgment motion may moot or narrow the issues to be decided for class certification. So, the Court DENIES Plaintiffs' request to set the summary judgment briefing schedule concurrently with the previously ordered briefing schedule for class certification and VACATES the current class certification briefing schedule at Docket No. 77.

The Court GRANTS Plaintiffs' request for an extension of time to respond to Defendant's

1 summary judgment motion and sets the following deadlines:

2 Opposition to Motion for Summary Judgment March 4, 2025

3 Reply in Support of Summary Judgment March 13, 2025

4 Hearing on Motion for Summary Judgment April 10, 2025

5 At the summary judgment hearing, the Court will address the class certification briefing
6 schedule.

7 This Order disposes of Docket No. 85.

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9 **IT IS SO ORDERED.**

10 Dated: February 18, 2025

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JACQUELINE SCOTT CORLEY
United States District Judge

United States District Court
Northern District of California